

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DR. DANIEL HALLER and LONG  
ISLAND SURGICAL PLLC,

Plaintiffs,

JUDGMENT

v.

21-CV-7208 (AMD) (AYS)

U.S. DEPARTMENT OF HEALTH AND HUMAN  
SERVICES, XAVIER BECERRA, in his official  
capacity as Secretary of Health and Human Services,  
U.S. OFFICE OF PERSONNEL MANAGEMENT,  
KIRAN AHUJA, in her official capacity as Director  
of the U.S. Office of Personnel Management,  
U.S. DEPARTMENT OF LABOR, MARTIN J.  
WALSH, in his official capacity as Secretary of Labor,  
U.S. DEPARTMENT OF THE TREASURY, and  
JANET YELLEN, in her official capacity as  
Secretary of the Treasury,

Defendants.

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A Memorandum, Decision and Order of Honorable Robert M. Levy, United States

Magistrate Judge, having been filed on August 10, 2022, denying the plaintiffs' motion for preliminary injunction; dismissing the plaintiffs' Seventh Amendment and takings claims with prejudice; and dismissing their due process claim for lack of subject matter jurisdiction without prejudice; it is

ORDERED and ADJUDGED that the plaintiffs' motion for preliminary injunction is denied; that the plaintiffs' Seventh Amendment and takings claims are dismissed with prejudice; and that their due process claim is unripe and is dismissed for lack of subject matter jurisdiction without prejudice.

Dated: Brooklyn, New York  
August 11, 2022

Brenna B. Mahoney  
Clerk of Court

By: /s/Jalitza Poveda  
Deputy Clerk